IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6672 OF 2005

Arun Jyotiram Mane & Anr. ...Applicants
vs.
State of Maharashtra ...Respondent

Mr.V.V.Purvant for the Applicants
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 17,2005

P.C.:

1. Heard Advocate for the Applicants and the learned A.P.P. for State. The offence registered against the Applicants is punishable under Sections 307, 354, 498-A, 323 read with section 34 of the Indian Penal Code. The relief of anticipatory bail has been denied to the Applicants by the Sessions Court on the basis of the alleged dying declaration recorded on 24th September 2005. The said dying declaration records that poison was administered by the Applicants and other co-accused.

2. While considering the prayer for anticipatory bail gravity of allegations and need for custodial interrogation are the only factors which are required to be considered. Assuming that there is one more dying declaration which favours the Applicants, considering the dying declaration dated 24th September 2005 recorded before the Special Executive Magistrate, it is obvious that the learned Sessions Judge was justified in rejecting the prayer for anticipatory bail. Considering the gravity of allegations it is obvious that custodial interrogation of the Applicants is necessary. Application is rejected.

JUDGE